

## **MINUTES**

### **NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION**

#### **EDUCATION AND TRAINING COMMITTEE**

**May 17, 2017**

The Education and Training Committee of the North Carolina Criminal Justice Education and Training Standards Commission met in Room 1826 of the Public Safety Training Center, Wake Technical Community College, Raleigh, NC. Chairperson Robin Pendergraft called the meeting to order at 1:00 pm. Those in attendance were:

- \*Robin Pendergraft, Attorney General of the State of North Carolina- Ex-Officio Member
- \*Kenneth Mullen, NC Criminal Justice Association
- \*Lee Farnsworth, NC Law Enforcement Officers' Association
- \*Steve Johnson, Appointment by the General Assembly – Speaker of the House
- \*Tracy McPherson, Department of Community Colleges- Ex-Officio Member
- \*Chris Blue, NC Police Executives Association
- \*Nathan Mizell, Jr., NC Law Enforcement Training Officers' Association
- \*Ricky Parks, Appointment by the General Assembly – Speaker of the House
- \*Bob Schurmeier, Director, NC State Bureau of Investigation
- \*Jane Gilchrest, Department of Public Safety
- \*Glenn McNeill, Jr., NC Department of Public Safety; Colonel, NC State Highway Patrol

#### **Visitors**

Traci Etheridge, Richmond Community College  
Devon Hall, Richmond Community College  
Felicia Banks, NC Department of Public Safety, OSDT  
Teresa White, Jacksonville Police Department  
Aaron Vassey, Cleveland Community College  
Bob Kurtz, NC Division of Health and Human Service  
Shane Manuel, NC DPS/N.C. State Highway Patrol  
Stephanie Freeman, NC LETOA/AOC  
James Moore, Rocky Mount Police Department  
J.O. Fishera-Davis, Wingate University  
William Hollingsed, NC Police Executives Association  
Eddie Caldwell, NC Law Enforcement Officers' Association

#### **Staff**

Steven G. Combs, Director, NC Criminal Justice Standards Division  
Bob Overton, NC Criminal Justice Standards Division  
Trevor Allen, Director, NC Justice Academy  
Stacy Holloman, Deputy Director, NC Justice Academy  
Jennifer Fisher, NC Justice Academy  
Dan Worley, NC Justice Academy  
Terry Miller, NC Justice Academy  
Tony Losada, NC Justice Academy  
Gary Dudley, NC Justice Academy

Perry Harris, NC Justice Academy  
Vicki Helms, NC Justice Academy

\*Committee Members

### **WELCOME/ROLL CALL**

Chairperson Robin Pendergraft welcomed members and guests. Clarification was made regarding Greg Baker's absence due to his retirement. An introduction was made for two representatives from the Department of Public Safety. Jane Gilcrest with the Office of the Secretary was present and represented Secretary Erik Hooks who was unable to attend the meeting and Colonel Glenn McNeill, Jr, a new member of the Committee representing the NC State Highway Patrol. The meeting was called to order and the roll was called. A quorum was present.

### **MINUTES**

Commissioner Chris Blue proposed a **motion** to accept the minutes of the February 15, 2017 meeting, with a **second** from Commissioner Lee Farnsworth, **motion carried**.

### **COMMISSION ACTION**

#### **ADMINISTRATIVE CODE - PROPOSED RULE REVISIONS - GENERAL INSTRUCTOR CERTIFICATION**

On behalf of the Speed Measuring Instrument Advisory Committee, SMI Program Administrator Bob Overton with the Criminal Justice Standards Division, presented the proposed rule change for *12 NCAC 09B. 0302- General Instructor Certification*. The SMI Advisory Committee met and voted to change this code which stipulates one can only become a SMI Instructor if currently a General Instructor. All specialty programs such as SCAT, Physical Fitness and Firearms allow Probationary Instructors to apply, therefore the SMI Advisory Committee asks this rule be modified for consistency with the other Commission courses allowing a Probationary Instructor to attend SMI Instructor courses.

The request would require a rule change for the following:

- 12 NCAC 09B .0302 – General Instructor Certification

Commissioner Steven Johnson proposed a **motion** that the Commission hereby authorize the Planning and Standards Committee to conduct a rule making hearing to amend rule, ***12 NCAC 09B. 0302 - General Instructor Certification*** to read as follows:

- Add the following language in paragraph (d): "probationary or"

With a **second** from Commissioner Lee Farnsworth, **motion carried**.

#### **ADMINISTRATIVE CODE – GENERAL INSTRUCTOR TRAINING**

On behalf of the General Instructor Training Revision Committee, Perry Harris with the NC Justice Academy, presented the following proposed rule changes for 12 NCAC 09B .0209 Criminal Justice Instructor Training; 12 NCAC 09G .0414 Instructor Training; 12 NCAC 09B .0410 Criminal Justice Instructor Training Course and 12 NCAC 09G .0313 Corrections Instructor Training Course. Bob Overton met with the Training and Standards Division regarding concerns over the Administrative Codes. These revisions will be made this fall for General Instructor Training to reflect similar wording, matching hours, title changes in the Administrative Code and for the rules to mirror one another.

The request would require a rule change for the following:

- 12 NCAC 09B .0209 – Criminal Justice Instructor Training
- 12 NCAC 09G .0414 – Instructor Training
- 12 NCAC 09B .0410 – Criminal Justice Instructor Training Course
- 12 NCAC 09G .0313 – Corrections Instructor Training Course

Commissioner Steve Johnson proposed a **motion** to accept the recommendations as presented to amend changes for General Instructor Training rules as follows:

**12 NCAC 09B .0209 – Criminal Justice Instructor Training**

- Modify the language in paragraph (a) as follows: Change the minimum hours from “75” to “78.”
- Modify the language in paragraph (c), subparagraph (1) as follows: Change the title to reflect “Orientation and Pre-Test.”
- Modify the language in paragraph (c), subparagraph (2) as follows: Change the title to reflect “Instructional Systems Design (ISD)” and change hours from “3” to “6.”
- Modify the language in paragraph (c), subparagraph (3) as follows: Change the title to reflect “Law Enforcement Instructor Liabilities and Legal Responsibilities” and change hours from “2” to “3.”
- Modify the language in paragraph (c), subparagraph (4) as follows: Change the title to reflect “Instructional Leadership.”
- Modify the language in paragraph (c), subparagraph (5) as follows: Change the hours from “2” to “3.”
- Modify the language in paragraph (c), subparagraph (6) as follows: Change the title to reflect “Lesson Plan Development: Format and Objectives” and change hours from “6” to “4.”
- Modify the language in paragraph (c), subparagraph (7) as follows: Change the title to reflect “Adult Learning.”
- Modify the language in paragraph (c), subparagraph (8) as follows: Change the title to reflect “Active Learning: Demonstration and Practical Exercises.”

- Include the following language as paragraph (c), subparagraph (9):  
“Classroom Management, 4 Hours.”
- Modify the language in paragraph (c), subparagraph (10) as follows: Change the title to reflect “Instructional Styles and Platform Skills.”
- Include the following language as paragraph (c), subparagraph (11): “The Evaluation Process of Learning.”
- Include the following language as paragraph (c), subparagraph (12): Change the hours from “6” to “4.”
- Include the following language as paragraph (c), subparagraph (13): “Student 8-Minute Talk and Video Critique.”
- Include the following language as paragraph (c), subparagraph (14): Change the hours for the First 30 Minute Presentations from “6” to “5.” Change the hours for the Second 30 Minute Presentations from “6” to “5.” Change the title to reflect “Final 70-Minute Presentation and Review.”
- Renumber existing subparagraphs in paragraph (c) to reflect “(15).”

## **12 NCAC 09G .0414 – Instructor Training**

- Modify the language in paragraph (c) to read as follows: “Each instructor training course shall include as a minimum the following identified topic areas: areas and minimum instructional hours for each area:”
- Modify the language in paragraph (c), subparagraph (1) as follows: Add “3 hours.”
- Modify the language in paragraph (c), subparagraph (2) as follows: Change the title to reflect “Instructional Systems Design (ISD)” and add “6 hours.”
- Modify the language in paragraph (c), subparagraph (3) as follows: Change the title to reflect “Law Enforcement Instructor Liabilities and Legal Responsibilities” and add “3 hours.”
- Modify the language in paragraph (c), subparagraph (4) as follows: Change the title to reflect “Instructional Leadership” and add “4 hours.”
- Modify the language in paragraph (c), subparagraph (5) as follows: Add “3 hours.”
- Modify the language in paragraph (c), subparagraph (6) as follows: Change the title to reflect “Lesson Plan Development: Format and Objectives” and add “4 hours.”

- Modify the language in paragraph (c), subparagraph (7) as follows: Change the title to reflect “Adult Learning” and add “4 hours.”
- Modify the language in paragraph (c), subparagraph (8) as follows: Change the title to reflect “Active Learning: Demonstration and Practical Exercises” and add “6 hours.”
- Include the following language as paragraph (c), subparagraph (9):  
“Classroom Management, 4 hours.”
- Modify the language in paragraph (c), subparagraph (10) as follows: Change the title to reflect “Instructional Styles and Platform Skills” and add “4 hours.”
- Include the following language as paragraph (c), subparagraph (11): “The Evaluation Process of Learning” and add “4 hours.”
- Include the following language as paragraph (c), subparagraph (12): Add “4 hours.”
- Include the following language as paragraph (c), subparagraph (13): “Student 8-Minute Talk and Video Critique” and add “6 hours.”
- Include the following language as paragraph (c), subparagraph (14): Include the hours for the First 30 Minute Presentations to reflect “5 hours.” Include the hours for the Second 30 Minute Presentations to reflect “5 hours.” Change the title to reflect “Final 70-Minute Presentation and Review” and add “12 hours.”
- Include the following language as paragraph (c), subparagraph (15): “Course Closing, 1 hour.”
- Modify the language in paragraph (d) as follows: Change the first sentence to read as follows: “The “Instructor Training Manual” published by the North Carolina Justice Academy shall be the curriculum for instructor training courses.”

**12 NCAC 09B .0410 – Criminal Justice Instructor Training Course**

**12 NCAC 09G .0313 – Corrections Instructor Training Course**

- Modify the language in paragraph (a), subparagraph (1) to read as follows:  
“satisfactorily complete all of the required coursework, specifically including each of the introductory trainee presentations with videotaping, playback, and critique as specified in the “Basic Instructor Training Manual” as published by the North Carolina Justice Academy. All trainee presentations must have met the criteria and conditions specified in the course orientation of the “Basic Instructor Training Manual;” and”
- Modify the language in paragraph (a), subparagraph (2) to read as follows:  
“attain the minimum score on each performance area as specified in the

course abstract of the "Basic Instructor Manual" for the final written lesson plan and final 70 minute presentation.

- Delete the language in paragraph (a), subparagraph (3).
- Modify the language in paragraph (b) as follows: Change the hours from "80" to "70."

With a **second** from Commission Chris Blue, **motion carried.**

### **ADMINISTRATIVE CODE - SCAT INSTRUCTOR TRAINING**

On behalf of the Subject Control Arrest Techniques (SCAT) Advisory Committee, Tony Losada with the NC Justice Academy, presented the proposed rule change for *12 NCAC 09B .0232- Specialized Subject Control Arrest Techniques Instructor Training*, by adding (8) eight hours into the SCAT program. This program lacked the necessary training hours needed to increase officer's physical and performance training levels in the course. The hours would be added to the 10 day course, allowing an hour each day for exercise.

The request would require a rule change for the following:

- 12 NCAC 09B .0232 – Specialized Subject Control Arrest Techniques Instructor Training

Commissioner Steve Johnson objected to the additional hours, stating this is a defensive tactics course that screens for the Pre-Qualification and includes ground fighting and subject control training. The eight hours proposed was not in the initial rule, but was added by the prior instructor.

Commissioner Robin Pendergraft stated years ago the hours were removed from the course because students were physically active due to the course requirements so the extra exercise was removed to avoid exhaustion and/or injury prior to testing. Commissioner Farnsworth suggested the academy to readdress this issue with any supported data for the August meeting to re-evaluate the proposed change.

The Committee decided to table this request with instructions for the NC Justice Academy staff to return at the August meeting with additional data to further support this recommendation.

Commissioner Robin Pendergraft congratulated Trevor Allen, the new Director of the NC Justice Academy.

Trevor Allen clarified, that the revisions presented earlier by the General Instructor Training Committee are not completed at this time. The Committee will vote on the remaining issues that will be brought before the Commission in the August 2017 meeting. Mr. Allen suggested these changes be brought as Administrative code revisions, therefore becoming effective January 1, 2018 once approved. If the rule is not approved, it can be pulled in the process. Perry Harris reported the next Committee meeting will be held on July 13, 2017 for voting on the last four lesson plans.

Jane Gilchrest brought to the Commission's attention that rule 12 NCAC 09B .0410 and 12 NCAC 09G .0313 regarding the Criminal Justice Training Course, has stricken through "achieve a score of 75% correct answers on the Commission administered exam". Trevor Allen stated years ago the Commission had removed the written examination from all Commission Courses with a separate rule to govern their required tests. This rule was not taken out from among the other 15 rules.

### **ADMINISTRATIVE CODE – ANNUAL IN-SERVICE FIREARMS QUALIFICATION**

Commissioner Steve Johnson presented the proposed rule change for 12 NCAC 09E .0106 - *Annual In-Service Firearms Qualification*. The Commission only requires day and night qualification with a handgun with no requirement for low light qualification with any other weapon. Commissioner Johnson proposed a rule change to include both day and night qualification with rifles, shotguns and semi-automatic guns, in addition to placing this language into the In-Service Manual.

Commissioner Steve Johnson presented a handout with possible language and asked for assistance in choosing the appropriate language. He suggested most agencies will have minor changes from the impact of this decision, since this is a requirement already made within several agencies. Commissioner Johnson requested the rule change to ensure it becomes effective January 1, 2018.

The request would require a rule change for the following:

- 12 NCAC 09E .0106 – Annual In-Service Firearms Qualification Specifications

The request would require a change for the following:

- Modify the language in paragraph (b) as follows: Add a requirement for both day and night qualification for officers issued rifles, shotguns, or automatic weapons.

Commissioner Steve Johnson also proposed a 5% increase in law enforcement shooting scores to a minimum of 80 %. The armed guard security and most law enforcement agencies already shoot at this level.

Commissioner Nathan Mizzell shared his concerns regarding standards for inexperienced officers taking BLET with low tests scores, hiring agencies expectations of them and the overall impact of the requested change.

Commissioner Robin Pendergraft stated law enforcement agencies have a year probationary period for officers to maintain and improve shooting scores once they are employed. This would allow officers practice time to increase their scores. It was noted that smaller agencies may have difficulty funding additional training to ensure their officers can meet this requirement. Commissioner Pendergraft suggested a committee formed to collect data and present before the Commission in the August 2017 meeting to support this proposal. The decision was made to wait on increasing the shooting score to 80% and vote only on the request for day and night qualification.



The remaining issue was tabled until August 2017 meeting.

Commissioner Lee Farnsworth proposed a **motion** that the Commission hereby authorize the Planning and Standards Committee to conduct a rule making hearing to amend rule, ***12 NCAC 09E .0106 - Annual In-Service Firearms Qualification Specifications***, with a **second** from Commissioner Chris Blue, **motion carried**.

### **ADMINISTRATIVE CODE – BASIC LAW ENFORCEMENT TRAINING**

On behalf of the BLET Revision Committee, Jennifer Fisher with the NC Justice Academy, appeared before the Committee to propose an Administrative Code revision to 12 NCAC 09B .0205 block of instruction (*BLET: 27J) Individuals with Mental Illness and Developmental Disabilities*) increasing the 8 hours to 24 hours. She also requested Pilot Authority for the delivery of the new 24 hour curriculum for five (5) locations with academies effective July 1, 2017. The increase in hours will provide additional classroom practical exercises, role playing, and new video and auditory hallucinations simulations. Lt. Teresa White with Jacksonville Police Department and Dr. Bob Kurtz with the Division of Health and Human Services are present and among those who assisted with the development of the new materials incorporated into the program.

The request would require a change for the following:

- 12 NCAC 09B .0205 – Basic Law Enforcement Training
  - Modify the language in paragraph (b) as follows: Change the total minimum hours from “616” to “632.”
  - Modify the language in paragraph (b), subparagraph (3), and subparagraph (D) as follows: Change the minimum hours from “8” to “24.”

The request would require Pilot Authority at the following locations:

- Cleveland Community College
- Coastal Carolina Community College
- Fayetteville Technical Community College
- Raleigh Police Department
- Wake Technical Community College

Aaron Vassey, a member of Revision Committee was present for the meeting.

Commissioner Robin Pendergraft thanked all individuals who assisted with the development of this new training.

Pilot Authority was requested to begin July 1, 2017 allowing certain agencies to administer the new training material and state exam. In October 2016, Mark Strickland, Steven Combs and the Chiefs' Executive Committee discussed the need to request additional training for the BLET program. Experts formed a committee that developed the new material and decided to include only core components of CIT training, since CIT is advanced training and not a requirement for all law enforcement officers. The program requires a general instructor certification to teach this course and highly



recommends CIT certification, but this is not a requirement. There was uncertainty if students would be at a disadvantage if an instructor was not CIT certified. Another concern addressed was the associated costs with implementing the new material. Commissioner Tracy McPherson advised the community colleges will accommodate any rule change and financial cost associated to make this adjustment. Commissioner Robin Pendergraft thanked Commissioner Tracy McPherson and Commissioner Nathan Mizzell for their cooperation. Commissioner Nathan Mizzell suggested the needed change in paragraph E to reflect the correct hours.

Steven Combs stated Senate Bill 424 currently in the legislature is allocating increased funding for training in the Behavioral Health Services field. He says this is an opportunity for the Commission to move forward with training.

Trevor Allen said the goal is to have the BLET material ready by January 1, 2018.

Commissioner Lee Farnsworth proposed a **motion** that the Commission hereby authorize the Planning and Standards Committee to conduct a rule making hearing to amend the rule, **12 NCAC 09B .0205 – Basic Law Enforcement Training** and accept the recommendation as presented to allow **Pilot Authority** for delivery of the new **“24 hour” (BLET: 27J) Individuals with Mental Illness and Developmental Disabilities** block for the following locations beginning on or after July 1, 2017. Commissioner Nathan Mizell **seconded** the motion, **motion carried**.

## **COMMITTEE ACTION**

### **BASIC LAW ENFORCEMENT TRAINING REVISION COMMITTEE**

On behalf of the BLET Revision Committee, Jennifer Fisher with the NC Justice Academy, recommended approval for major revisions made to the BLET lesson plans. The Committee discussed 3 additional major revisions on April 7, 2017 and asked for approval and implementation effective July 1, 2017 in the BLET Curriculum for the following lessons:

- Ethics (BLET: 03E) - Major revisions were made to update the content of the lesson plan, training objectives and handouts. A legal review was also conducted.
- Preparing for Court and Testifying in Court (BLET: 29G) - Major revisions were made to the lesson plan, training objectives, and handouts. A legal review was also conducted.
- Sheriff's Responsibilities: Court Duties (BLET: 32H) - Major revisions were made to the lesson plan, training objectives, and handouts. A legal review was also conducted.

Commissioner Steve Johnson requested the block of instruction in rule 12 NCAC 09B .0205, preparing/testifying for court be removed from the legal block and placed within the communication block. He stated, out-of-state transfers are required to take the legal block. This would have veteran officers' take 12 hours of testifying in court which is not

necessary for them. Commissioner Robin Pendergraft suggested this matter be further addressed at the next meeting.

Commissioner Steve Johnson presented a request for an earlier approved change in the BLET Night Handgun Qualification Course. The recommended language should reflect the following:

- Stage 2: Add “support” hand to first sentence.

Add “NOTE: The flashlight MUST remain on until reloading at which time the light will be turned off and WILL NOT be turned on for the last two rounds with the support hand.”

Commissioner Johnson stated in 2014, the BLET Revision & Firearms Committee voted to change night time fire in the BLET curriculum to include minimum language change that was not reflected. The Firearms Committee agreed to change the language to “support hand” and eliminate “weak hand”. Commissioner Steve Johnson requested this language change be reflected in the BLET course of fire, as well as the material in the In-Service Manual. He distributed a handout with the proposed language colored in red that was previously voted on by the Firearms Committee in 2014. Commissioner Johnson clarified the Firearm Committee made the vote, but it was not addressed before the BLET Revision Committee.

*The Committee took a ten-minute break at 2:05pm, and the meeting re-convened at 2:19pm.*

There was a continuation on the discussion made by Commissioner Johnson’s request to adopt the language change to reflect “support hand”. Commissioner Pendergraft suggested handling this issue separate from the BLET lesson plan revisions.

Commissioner Steve Johnson proposed a **motion** to accept the recommendation for language change to reflect “support hand” and the added note with proper use of a flash light as presented, with a **second** from Commissioner Nathan Mizzell.

Further discussion was addressed by Commissioner Tracy McPherson regarding the procedural rules and the proper process for voting and what this acknowledged. Commissioner Robin Pendergraft explained this vote was in agreement to make the necessary change and ensured this issue has finally settled, which required only a 3 word change in language.

With no further questions, **motion carried** to include minimum language change for “support hand” in the BLET curriculum.

Commissioner Steve Johnson proposed a **motion** to accept the recommendation as presented for revisions to the requested BLET lesson plans, with a **second** from Commissioner Kenneth Mullen, **motion carried**.

## **INFORMATIONAL ITEMS**

### **BASIC LAW ENFORCEMENT TRAINING REVISION COMMITTEE**

On behalf of the BLET Revision Committee, Jennifer Fisher with the NC Justice Academy, briefed the Committee on minor revisions made to seven (7) of the BLET lesson plans to be implemented and effective July 1, 2017. The minor revisions to the curriculum include: updating statutory changes, inclusion of revised videos and handouts, and various other minor content updates.

Minor revisions were made to the following lesson plans:

- Responding to Victims and the Public (BLET: 13S)
- Motor Vehicle Law (BLET: 17Z)
- First Responder (BLET: 20P)
- Domestic Violence Response (BLET: 21S)
- Controlled Substances (BLET: 22R)
- Explosives and Hazardous Materials Emergencies (BLET: 26R)
- Civil Process (BLET: 33U)

## **COMMISSION ACTION**

### **ADMINISTRATIVE CODE- PROPOSED RULE REVISION - BLET COMPREHENSIVE WRITTEN EXAMINATION**

On behalf of the School Directors Advisory Committee, Trevor Allen, appeared before the Committee to discuss a recommended rule change for *12 NCAC 09B .0406- Comprehensive Written Examination Basic Law Enforcement Training*.

The request would require a rule change for the following:

- 12 NCAC 09B .0406 – Comprehensive Written Examination Basic Law Enforcement Training

Colonel Glenn McNeill stated the State Highway Patrol and Det. of Public Safety standards are higher for law enforcement officers than any other profession, requiring officers to repeat training of failed state certified examinations. Failure of 2 topics allows a retest, but failure of 3 topics requires an officer to repeat the entire training to retest. Unit 6 has been indicated as the problem area regarding failures. Major Shane Emmanuel shared the training and financial investment each officer receives. He stated, if officers are allowed to fail up to 3 topics and retest, this would resolve their issue. Their cadet failures are 75% from a few points of passing. The State Highway Patrol would like to change the failed topics from 2 to 3 with the ability for a retest to reduce their losses.

Aaron Vassey, Cleveland Community College, shared the same sentiments of Colonel McNeil, several School Directors and individuals serving on different committees. Mr. Vassey stated he has collected data since he began working with Cleveland Community College in July 2009 and suggested possible changes in the testing requirements. He also addressed the distinction between DOCC and Sheriff Standards testing requirements.

Trevor Allen stated the Criminal Justice Standards Division can review statistics for the previous test scores and have the BLET Advisory Committee review the information. Commissioner Pendergraft asked if Steven Combs would collect the test scores for the past 2 years and review any trending patterns with his staff and the legal team for recommendations.

Commissioner Robin Pendergraft shared her concerns about changes in the testing requirements, the financial implications and the effect of lowering standards. She requested a careful and deliberate review made to any suggested change prior to making a final decision. Commissioner Pendergraft asked each entity to collect data associated with the BLET program to help determine a final rule change at the August 2017 meeting.

The Committee discussed the recommendation presented, and asked the Legal and Criminal Justice Standards Division staff to return with additional input and data to further support the recommendation at the August meeting.

### **ADMINISTRATIVE CODE- PROPOSED RULE REPEAL FOR ACCREDITATION OF TRAINING COURSES**

On behalf of the Criminal Justice Standards Division, Trevor Allen, appeared before the Committee to propose the repeal of rule 12 NCAC 09C .0402- *Accreditation of Training Courses* and the discontinuance of *Training Course Accreditation Form, F-10(CA)*.

The request would require the repeal of the following:

- 12 NCAC 09C .0402 – Accreditation of Training Courses

Trevor Allen reported the Commission established a rule in 1981 regarding accreditation of Commission Courses such as BLET, SMI Instructor Courses. Third party training vendors have contacted the Criminal Justice Standards Division wanting accreditation toward their course mandated in-service requirements. The Commission and Standards Division do not accredit third party training courses.

Administrative Code Rule 12 NCAC Rule 09C .0402 and Form F-10(CA) was developed before 2011, as the latest known date for accreditation requests. The governing authority for accreditation of training courses is found within this rule along with Form F-10(CA) detailing the process for Commission course accreditation for delivery across the state. This process has currently been in use and covered in Administrative Rule 12 NCAC 09C. 09C .0401. The Standards Division does not accredit third party training vendors, therefore Form F-10(CA) in Code Rule 12 NCAC 09C. 0402 is not necessary. This form does not affect the process for accreditation within the Commission and the Criminal Justice Standard Division. Form F-10(SA) in Rule 12 NCAC 09C. 0401 alone has the ability to accredit Commission courses.

Commissioner Steve Johnson proposed a **motion** to accept the recommendation presented to repeal ***Administrative Code Rule 12 NCAC 09C .0402 with Form F-10(CA)***, with a **second** from Commissioner Lee Farnsworth, **motion carried**.

## **COMMITTEE ACTION**

### **SCHOOL ACCREDITATION COMMITTEE**

On behalf of the School Accreditation Subcommittee and the Criminal Justice Standards Division, Trevor Allen, recommended the accreditation and reaccreditation of the following institution for a period of five (5) years in accordance with 12 NCAC 09B .0200 and 12 NCAC 09C .0401 for the delivery of the Commission-accredited courses.

The following schools applied for accreditation or reaccreditation for their commission programs and they were found to have met their requirements within the administrative code.

- Accreditation:
  - ✓ Garner Police Department-SMI
- Re-Accreditation:
  - ✓ Alamance Community College-BLET, SMI
  - ✓ Beaufort Community College-BLET, SMI
  - ✓ Coastal Carolina Community College-BLET, IT, SMI
  - ✓ Sampson Community College- BLET, SMI

Commissioner Glenn McNeill proposed a **motion** to accept the recommendation for accreditation and reaccreditation of these schools, with a **second** from Commissioner Nathan Mizzell, **motion carried.**

### **PROGRAM EVALUATION COMMITTEE**

On behalf of the Program Evaluation Subcommittee and the Criminal Justice Standards Division, Trevor Allen, recommended re-certification of Richmond Community College for its Post-Secondary Criminal Justice program for a second period of ten (10) years, in accordance with 12 NCAC 09B .0601-.0608.

There were two representatives from Richmond Community College who were present for this meeting and greeted by Commissioner Robin Pendergraft with the invitation to speak.

The Program Evaluation Committee reviewed Richmond Community College's application packet and determined the requirements of the Administrative Code for recertification within that program were met.

Commissioner Kenneth Mullen proposed a **motion** to approve the recommendation of the Standards Committee for Richmond Community College re-certification, with a **second** from Commission Lee Farnsworth, **motion carried.**

### **SPEED MEASURING INSTRUMENT (SMI) ADVISORY COMMITTEE**

On behalf of the SMI Advisory Committee, SMI Program Administrator Bob Overton, Criminal Justice Standards Division, presented information from the SMI Advisory Committee related to their evaluation of new technology proposed by various

manufacturers for addition to speed measuring instruments already approved for use within North Carolina. The Committee reviewed speed measuring instruments for the September 2016-March 2017 evaluation cycle and found only one instrument, "Applied Concepts Inc. Stalker, LIDAR RLR" for denial. The instrument was evaluated and denied under rule 1A of Appendix A due to durability concerns. Based on evaluation and consideration of this instrument, the SMI Advisory Committee recommend the following denial:

- Denial of the "Applied Concepts Inc. Stalker LIDAR RLR."

Dan Worley advised out of the four units the manufacturer sent, two units had several issues with parts breaking which resulted in a 50% usage.

Commissioner Robin Pendergraft asked if the manufacturer was notified regarding the Committee's denial. Mr. Worley advised at this time the manufacturer has not been contacted because the Commission's procedures states the denial would be approved by the Commission prior to contact made with the manufacturer. Commissioner Pendergraft suggested a further discussion continued regarding the Commission's policy and procedure held after the meeting.

Commissioner Chris Blue proposed a **motion** to accept the recommendation as presented by SMI Advisory Committee to deny the use of this instrument, with a **second** from Commissioner Steve Johnson, **motion carried**.

### **SPEED MEASURING INSTRUMENT (SMI) ADVISORY COMMITTEE**

On behalf of the SMI Advisory Committee, Dan Worley with the NC Justice Academy, briefed the Committee on revisions made to the SMI Instructor and Operator manuals: RADAR, Time-Distance, LIDAR and Supplemental Speed Measurement Instrument.

Major revisions include the following:

- All "cover pages" for RADAR, Time-Distance, and LIDAR Operator/Instructor manuals were updated to reflect a June 2017 effective date, and include an update to the list of current SMI Advisory Committee members.
- The "Basic Principles" section of the RADAR Instructor manual was updated to include a revised instructor note which advises that the showing of the previously approved "Basic Principles of RADAR" video as published by the North Carolina Justice Academy is only required to be shown during a basic Operator or Instructor training course. This section would also reflect a revision date of June 2017.
- The "Courtroom Preparation" block for the Time-Distance Instructor and Operator manuals was revised to delete/remove the section containing example trial questions.
- The "Legal and Operational Considerations" section of the LIDAR Instructor and Operator manuals was revised to add a brief description of new technology found on some LIDAR devices concerning the audible signal tone. Due to technology advancement, the operational use of the tone slightly changed and this language would better describe the use of the tone for the operators and instructors.

- The “Supplement for SMI Training” cover page was revised to reflect a June 2017 effective date due to the following recommended revision to Appendix C.
- “Appendix C” of the “Supplement for SMI Training,” and the “cover page” for “Appendix C” was revised to change the “Secretary of Crime Control and Public Safety” to the “Secretary of Public Safety” to correctly reflect the current title of the Department.

The Committee recommended revision to the “Court Room Preparation” block of instruction concerning the classification of the materials in 2014 as public record. The Revision Committee hoped to prevent the public from utilizing instructor’s trial questions during court proceedings and the prevention of coaching during examinations. These questions would be provided as a handout during Instructor Training, but would be unavailable in manuals. Trained instructors will distribute this handout to students during the class session. These questions were removed from the RADAR and LIDAR manuals years ago, but not removed from the Time-Distance manual.

Commissioner Chris Blue proposed a **motion** to accept the recommendation as presented for revisions to the SMI Instructor and Operator manuals, with a **second** from Commissioner Steve Johnson, **motion carried**.

With no further business, Commissioner Nathan Mizzell proposed a **motion** to adjourn, with a **second** from Commissioner Steve Johnson, **motion carried**.

The meeting adjourned at 3:06 p.m.